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Hartmut S. Engel

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EXAMINER

ZETTL, MARY E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,512	Applicant(s) ENGEL, HARTMUT S.	
	Examiner MARY ZETTL	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/7/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 27, 28, and 31 are objected to because of the following informalities: “the additional light discharge region” lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21, 22, 25, 27-31, 35, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Simon (US 7,118,253 B1).

Regarding claim 21, Simon discloses a built-in lamp having a holder (portion shown in Figure 5 above DR) for fastening in an installation surface (DR) having an illuminant fitting (portion shown in Figure 5 above DR) and having a reflector (ORL, Fresnel lens structure causing reflections, col. 3, lines 20-25), the holder and reflector (ORL) being arranged relative to one another such that the reflector (ORL) extends beyond the installation surface (DR) in a main direction of illumination (main direction of illumination being in a downward direction) with a built-in lamp secured in the installation surface (Figure 5), with the reflector being coupled (indirectly joined together via the

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various other components that make up the complete assembly) in this region extending beyond the installation surface to a reflection element (IR, Figure 5) with extends transversely to the main direction of illumination (main direction of illumination being in a downward direction) and is spaced from the installation surface (DR), the reflection element (IR) is arranged outside the reflector (ORL) and is illuminated by light via the region lying between the installation surface (DR) and the reflection element so that at least a portion of the light impinging the reflection element (IR) is reflected in a direction opposite from the main direction and directly against the installation surface (DR) thus illuminating the installation surface, wherein the light is provided by at least one of the reflector (ORL) which is made translucent or transparent at least sectionally in its region extending between the installation surface and the reflection element so that the reflection element (IR) is illuminated by a portion of light (Figure 5).

Regarding claim 22, Simon discloses the reflection element (IR) is made as reflecting or as specularly reflecting at its side facing the installation surface (Figure 5).

Regarding claim 25, Simon discloses the reflection element (IR) is releasably (capable of being released from the reflector, since they are not directly connected to each other) connected to the reflector (ORL, Figure 5).

Regarding claim 27, Simon discloses an additional light discharge region (between IR and DR) in a plane which coincides at least substantially with the plane of

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the installation surface or which extends perpendicular or obliquely to the plane of the installation surface (DR).

Regarding claim 28, Simon teaches an additional light discharge region and the inner space of the reflector being illuminated by a common illuminant (L).

Regarding claim 29, Simon teaches the reflector (ORL) has a first reflector opening (lower opening as oriented in Figure 5) disposed in the main direction of illumination (downward direction) and a second reflector opening (upper opening as oriented in Figure 5) disposed opposite to the main direction of illumination, with an additional reflector (DR) being associated with the second reflector opening (Figure 5).

Regarding claim 30, Simon teaches a light passage region is formed between the additional reflector (DR) and the reflector (ORL, Figure 5).

Regarding claim 31, Simon teaches wherein the additional reflector (DR) is formed at least partly by at least one planar or presetably curved or kinked reflector surface (formed as planar, Figure 5) which ensures a presettable division of the portion of the reflected light directed to the reflector (8) and to an additional light discharge region (defined as anywhere between DR and IR, Figure 5).

Regarding claim 35, Simon teaches an opening (lower opening, Figure 5) of the reflector is disposed in the main direction of illumination and is open (Figure 5).

Regarding claim 40, Simon discloses an elongated illuminant (L) is provided in the reflector (ORL) and its longitudinal direction of extent coincides with the main direction of illumination or its longitudinal direction of extent extends perpendicular to the main direction of illumination (Figure 5).

Regarding claim 41, Simon discloses a built-in lamp having a holder (portion of lamp above DR, Figure 5) for fastening in an installation surface (DR) having an illuminant fitting (portion of lamp above DR, Figure 5) and having a reflector (ORL), the holder and reflector (ORL) being arranged relative to one another such that the reflector (ORL) extends beyond the installation surface (DR) in a main direction of illumination (downward) with a built-in lamp secured in the installation surface (DR, Figure 5), with the reflector being coupled in this region extending beyond the installation surface to a reflection element (IR) which extends transversely to the main direction of illumination (downward) and is spaced from the installation surface (DR), the reflection element (IR) is arranged outside the reflector (ORL) and is illuminated by light via the region lying between the installation surface (DR) and the reflection element (IR) so that at least a portion of the light impinging the reflection element is reflected in a direction opposite from said main direction and directly against the installation surface thus illuminating the installation surface without passing through any further elements of the built-in lamp

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(Figure 5), wherein the light is provided by at least one additional light discharge region which extends around an outer perimeter of the reflector (ORL, Figure 5), so that the reflection element (IR) is illuminated by a portion of the light (Figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 33, and 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) in view of Muggenburg (EP 1 033 530 A2).

Regarding claim 23, Simon does not disclose expressly the reflection element being made as a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light.

Muggenburg teaches the reflection element being made as a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light (see Figure 1, wherein 21a the prisms face up and 21b the prisms face down, thus creating one portion that is reflecting scattering and another portion which is permeable scattering).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon by making the reflection element a reflecting scattering plate for one portion of the incident light and as a light

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permeable scattering plate for another portion of the incident light as taught by Muggenburg for the purpose of creating the desired light output effect.

Regarding claim 34, Simon does not disclose expressly the additional reflector being made specularly reflecting or diffusely reflecting on its outer side.

Muggenburg teaches the additional reflector being made specularly reflecting or diffusely reflecting on its outer side (21 b; Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have made the additional reflector of Simon specularly reflecting or diffusely reflecting on its outer side as taught by Muggenburg for the purpose of reducing glare.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) in view of Arumugusaamy (US 2003/0058652 A1).

Regarding claim 26, Simon does not disclose expressly reflection elements being arranged outside the reflector which have different sizes to one another.

Arumugusaamy teaches reflection elements (30) having different sizes to one another (paragraph 28).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon such that the reflection elements having different sizes as taught by Arumugusaamy were utilized for the

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purpose of increasing the randomness of light paths and thus creating a more uniform and output with less glare.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) in view of Kempter (DE 44 43 916 C1).

Regarding claim 24, Simon does not disclose expressly the reflection element has transparent regions or openings.

Kempter teaches a built-in lamp having an illuminant fitting and having a reflector (3), the reflector such that the reflector extends beyond the installation surface in a main direction of illumination (Figure 12) with a built-in lamp secured in the installation surface (not labeled, but shown as hatched in Figure 12), with the reflector being coupled in this region extending beyond the installation surface to a reflection surface to a reflection element (8) which extends transversely to the main direction of illumination and is spaced from the installation surface (Figure 12), the reflection element (8) is arranged outside the reflector (3) and is illuminated by light via the region lying between the installation surface and the reflection element (8) so that at least a portion of the light impinging the reflection element is reflected in a direction opposite from said main direction and against the installation surface thus illuminating the installation surface, wherein the light is provided by at least one of the reflector (3), which is made to be translucent or transparent (in the upper region, shown by the dashed lines) at least sectionally in it region extending between the installation surface and the reflection element (a portion of the part-transparent area being located below the installation

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surface and above 8), or an additional light discharge region which extends around an outer perimeter of the reflector (3) to surround the reflector (3) at least regionally so that the reflection element (8) is illuminated by a portion of the light (Figure 12), wherein the reflection element has transparent regions or openings (see dashed arrows passing through item 8 in Figure 12).

At the time the invention was made, it would have been obvious to one skilled in the art to have modified the invention of Simon such that the reflection element had transparent regions or openings as taught by Kempter for the purpose of creating the desired lighting effect.

6. Claims 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) and further in view of Jongewaard et al. (US 6,561,670 B1).

Regarding claim 32, Simon does not disclose expressly the reflector and the illuminant being arranged in a housing.

Jongewaard et al. teaches a lamp including a housing (formed of 42, 44, and 22) being lightproof and/or dustproof (col. 4, lines 36-41).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempter and Salzmann et al. such that reflector and the illuminant were arranged in a lightproof and/or dustproof housing as taught by Jongewaard et al. in order to prevent dust from entering the

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interior which would have adverse effects on the light output and have the potential for damaging / degrading the electrical components.

7. Claims 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) Jongewaard et al. (US 6,561,670 B1) and further in view of Muggenburg (EP 1 033 530 A2).

Regarding claim 33, Simon and Jongewaard et al. do not disclose expressly the additional reflector being made as specularly reflective or diffusely reflecting.

Muggenburg teaches the additional reflector being made as specularly reflective or diffusely reflecting (due to prisms on 21).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon and Jongewaard et al. by making the additional reflector as specularly reflective or diffusely reflecting as taught by Muggenburg for the purpose of reducing glare.

8. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) in view of Wedekind et al. (US 5,957,573 A).

Regarding claim 37, Simon teaches a reflector (ORL) being released (necessary for the manufacturing process).

Simon does not disclose expressly a housing.

Wedekind et al. teaches a reflector being released from a housing (col. 2, lines 7-11).

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At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon such that the reflector was provided in a housing as taught by Wedekind et al. for the purpose of protecting the light source.

Regarding claim 39, Simon does not disclose expressly a reflector being displaceably supported in a housing (10) in the main direction of illumination.

Wedekind et al. teaches the reflector being displaceably supported in the housing (col. 2, lines 7-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon such that the reflector was displaceably supported in the housing as taught by Wedekind et al. so as to make bulb replacements easier as so as to protect the bulb.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,118,253 B1) in view of Wedekind et al. (US 5,957,573 A) and further in view of Heritage (US 3,833,803 A).

Regarding claim 38, Simon does not disclose expressly the reflector being fastened by means of one of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection.

Heritage discloses a reflector being attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection (col. 2, lines 16- 24).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Simon such that the reflector was attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection as taught by Heritage since such components are well known components in the art that function in a fastening capacity.

Response to Arguments

10. Applicant's arguments with respect to claims 21-41 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 36 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition it is noted that in order for this allowable subject matter for this claim to apply the light discharge region will need to be re-established in claim 21.

The following is a statement of reasons for the indication of allowable subject matter:

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Prior art, such as Simon (US 7,118,253 B1) in view of Jongewaard et al. (US 6,561,670 B1), teach a housing terminated in a largely dustproof manner. Prior art fails to teach or make obvious the limitations of claims 21 and 35 wherein the additional limitations of claim 36 are met: the housing is terminated by a translucent or transparent plate in a region of an additional light discharge region and by a transparent plate, in a region of the opening of the reflector disposed in the main direction of illumination.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MZ
/Mary Zettl/
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Primary Examiner, Art Unit 2875